1950

File No. B. Housing Boards/50

Legal Deptt.

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B **BRANCH**

Subject:— L.A. Bill No. LXI of 1950

A Bill to amend the Bombay Housing Boards Act 1948

Bom. Act No. XLIX of 1950

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File No. B. Housing Boards/50

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IMMEDIATE. No. 16343;

Legal Department,

Bombay Castle (Bombay No. 1), 18th November 1950.

From

Shri J.R.Dharmadhar,

Additional Secretary to the Government of Bombay,

Legal Department.

To

The Secretary to the Governor of Bombay.

Subject:- The Bombay Housing Board(Amendment) Bill, 1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for the assent of His Excellency the Governor the authentic copy of the Bombay Housing Board(Amendment) Bill, 1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th and the 28th October 1950, respectively.

2. The subject-matter of Bill falls under entries 5 and 6 in List II in the Seventh Schedule to the Constitution of India. As the Bill does not relate to any matter enumerated in the Concurrent Legislative List, it is not necessary to reserve the Bill for the consideration of the President with reference to article 254(2) of the Constitution of India.

3. The date on which His Excellency the Governor's assent is given may kindly be entered in the endorsement.

4. I also forward herewith once copy of each of items

		Nos. 1.
1.	Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons.	*
2.	Bill as read for the third time and passed	*

DM 41

by the Bombay Legislative Assembly and as introduced in the Bombay Legislative Council.	*	2 and 4 two copies of item No.3 of the papers noted in the margin.
3. Bill as read for the third time and passed by the Bombay Legislative Council.	*	
4 Extracts from the proceedings of the Bombay Legislative Assembly dated the 26th October 1950 and of the Bombay Legislative Council dated the 29th October 1950.	*	The Bill

was not referred to a Select Committee.

Yours faithfully,

Sd/.....17/11.

Additional Secretary to Government.

Through the Secretary to the Government of Bombay,
Labour and Housing Department.

DIR.
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50.

No. GS. 3584.

From

The Secretary to the Governor of Bombay.

To

The Additional Secretary to Government,
Legal Department.

GOVERNMENT HOUSE,
Bombay 6, November 27, 1950.

Subject: The Bombay Housing Board (Amendment) Bill, 1950.

Sir,

With reference to your letter No. 16343, dated November 18, 1950, I am directed to return herewith the authentic copy of the Bombay Housing Board(Amendment) Bill, 1950, with His Excellency the Governor's assent signified thereon.

Yours faithfully,

Sd/.....
Secretary to the Governor of Bombay.

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ACTS. Publication of the Bombay Housing Board(Amendment) Act, 1950.

GOVERNMENT OF BOMBAY.

Legal Department.

Resolution No. 16832.

Bombay Castle, 29th November 1950.

Letter to the Secretary to the Governor, No. 16143. dated the 18th November 1950.

Letter from the Secretary to the Governor, No. G.S. 3564, dated the 27th November 1950.

" With reference to your letter No. 16143, dated November 18, 1950, I am directed to return herewith the authentic copy of the Bombay Housing Board(Amendment) Bill, 1950, with His Excellency the Governor's ascent a signified thereon."

RESOLUTION:- The law should be published as Bombay Act, No. XLIX of 1950, in the Bombay Government Gazette dated the 29th November 1950.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindi(in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Labour and Housing Department.

By order of the Governor of Bombay,

S.L.CHAUHARI,

Assistant Secretary to Government.

No.

Copies Extra.

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L. A. BILL No. LXI OF 1950.

A Bill to amend the Bombay Housing Board Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 26th October 1950.)

Bom. LXIX of 1948.

WHEREAS it is expedient to amend the Bombay Housing Board Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Housing Board (Amendment) Act, 1950.

Bom. LXIX of 1948.

Insertion of new section 60A in Bom. LXIX of 1948.

2. After section 60 of the Bombay Housing Board Act, 1948 (hereinafter referred to as the said Act), the following new section shall be inserted, namely:—

Concurrent and special audits of accounts.

"60A. (*1*) Notwithstanding anything contained in section 60, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(*2*) When an order is made under sub-section (*1*), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (*1*) such information as the said person may require for the purpose of audit.".

Amendment of section 66 of Bom. LXIX of 1948.

3. In section 66 of the said Act, in sub-section (*2*), after clause (*l*) the following shall be inserted, namely:—

"(*ll*) the manner in which the Board shall be superseded and reconstituted under section 73B;".

MO-III Bk Hb 313

Insertion of new sections 73A and 73B in Bom. LXIX of 1948.

4. After section 73 of the said Act, the following new sections shall be inserted, namely :—

Government's power to give directions to Board.

" 73A. The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections. It shall be the duty of the Board to comply with such directions.

Default in performance of duty.

73B. (*1*) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty.

(*2*) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government, notwithstanding anything contained in section 7, to supersede and reconstitute the Board in the prescribed manner.

(*3*) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.".

STATEMENT OF OBJECTS AND REASONS.

In paragraph 33 of the Report of the Public Accounts Committee on the Appropriation Accounts of the Government of Bombay for the year 1947-48 and the Audit Report thereon, the Committee has recommended that requisite steps be taken by Government in order to enable the Accountant General to carry out smoothly and effectively the concurrent audit of the accounts of the Bombay Housing Board. Government appreciates this recommendation and in order to give effect to it, it is proposed to insert a new section 60A, after section 60 of the Bombay Housing Board Act, 1948, providing for the holding of a concurrent audit or a special audit of the Board's accounts by such person as Government thinks fit, to whom the Board will be required to afford the necessary facilities.

2. It is necessary for Government to have powers under the Act to give such directions to the Board as are necessary for carrying out the purposes of the Act. Section 73A is proposed to be inserted for this purpose. It is also proposed to amend the Act by the insertion of a new section 73B for the supersession and reconstitution of the Board for failure to perform their statutory duty after giving them an opportunity to be heard.

Dated the 16th October 1950. JIVRAJ N. MEHTA.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LXI OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 26th October 1950.)

A Bill to amend the Bombay Housing Board Act, 1948.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

BOMBAY: PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. LXI OF 1950.

A Bill to amend the Bombay Housing Board Act, 1948.

(As read for the third time and passed by the Legislative Assembly on the 26th October 1950.)

(As read for the third time and passed by the Legislative Council on the 28th October 1950.)

Bom. LXIX of 1948.

WHEREAS it is expedient to amend the Bombay Housing Board Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Housing Board (Amendment) Act, 1950.

Bom. LXIX of 1948.

Insertion of new section 60A in Bom. LXIX of 1948.

2. After section 60 of the Bombay Housing Board Act, 1948 (hereinafter referred to as the said Act), the following new section shall be inserted, namely :—

Concurrent and special audits of accounts.

"60A. (*1*) Notwithstanding anything contained in section 60, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(*2*) When an order is made under sub-section (*1*), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (*1*) such information as the said person may require for the purpose of audit.".

Amendment of section 66 of Bom. LXIX of 1948.

3. In section 66 of the said Act, in sub-section (*2*), after clause (*l*) the following shall be inserted, namely :—

"(*ll*) the manner in which the Board shall be superseded and reconstituted under section 73B;".

MO-III Bk Hb 360

Insertion of new sections 73A and 73B in Bom. LXIX of 1948.

4. After section 73 of the said Act, the following new sections shall be inserted, namely :—

Government's power to give directions to Board.

"73A. The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections. It shall be the duty of the Board to comply with such directions.

Default in performance of duty.

73B. (*1*) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty.

(*2*) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government, notwithstanding anything contained in section 7, to supersede and reconstitute the Board in the prescribed manner.

(*3*) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.".

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. LXI OF 1950.

(As read for the third time and passed by the Legislative Assembly on the 26th October 1950.)

(As read for the third time and passed by the Legislative Council on the 28th October 1950.)

A Bill to amend the Bombay Housing Board Act, 1948.

[Dr. JIVRAJ N. MEHTA, M.L.A.]

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The Bombay Government Gazette

PUBLISHED BY AUTHORITY

WEDNESDAY, 29TH NOVEMBER 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART IV

Acts of the Bombay Legislature and Ordinances promulgated and Regulations made by the Governor.

CONTENTS.

	PAGES
BOMBAY ACT No. XLIX OF 1950—An Act to amend the Bombay Housing Board Act, 1948	539-540

The following Act of the Bombay Legislature having been assented to by the Governor on the 25th November 1950, is hereby published for general information.

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

BOMBAY ACT No. XLIX OF 1950.

(First published, after having received the assent of the Governor, in the "Bombay Government Gazette" on the 29th November 1950.)

An Act to amend the Bombay Housing Board Act, 1948.

Bom. LXIX of 1948.

WHEREAS it is expedient to amend the Bombay Housing Board Act, 1948, for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Housing Board (Amendment) Act, 1950.

Bom. LXIX of 1948.

Insertion of new section 60A in Bom. LXIX of 1948.

2. After section 60 of the Bombay Housing Board Act, 1948 (hereinafter referred to as the said Act), the following new section shall be inserted, namely :—

Concurrent and special audits of accounts.

"60A. (*1*) Notwithstanding anything contained in section 60, the State Government may order that there shall be a concurrent audit of the accounts of the Board by such person as it thinks fit. The State Government may also direct a special audit to be made by such person as it thinks fit of the accounts of the Board relating to any particular transaction or a class or series of transactions or to a particular period.

(*2*) When an order is made under sub-section (*1*), the Board shall present or cause to be presented for audit such accounts and shall furnish to the person appointed under sub-section (*1*) such information as the said person may require for the purpose of audit.".

Amendment of section 66 of Bom. LXIX of 1948.

3. In section 66 of the said Act, in sub-section (*2*), after clause (*l*) the following shall be inserted, namely :—

" (*ll*) the manner in which the Board shall be superseded and reconstituted under section 73B ; ".

Insertion of new sections 73A and 73B in Bom. LXIX of 1948.

4. After section 73 of the said Act, the following new sections shall be inserted, namely :—

Government's power to give directions to Board.

" 73A. The State Government may give the Board such directions as in its opinion are necessary or expedient for carrying out the purposes of this Act, after giving an opportunity to the Board to state its objections, if any, to such directions and after considering the said objections. It shall be the duty of the Board to comply with such directions.

Default in performance of duty.

73B. (*1*) If the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under this Act, it may fix a period for the performance of that duty.

(*2*) If in the opinion of the State Government the Board fails or neglects to perform such duty within the period so fixed for its performance, it shall be lawful for the State Government, notwithstanding anything contained in section 7, to supersede and reconstitute the Board in the prescribed manner.

(*3*) After the supersession of the Board and until it is reconstituted, the powers, duties and functions of the Board under this Act shall be carried on by the State Government or by such officer or officers as the State Government may appoint for this purpose.".

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.